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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,955	01/03/2001	Wolf-Gernot Drost	DROST ETAL-2	9023

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Roslyn, NY 11576

EXAMINER

COLAIANNI, MICHAEL

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 02/04/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/720,955	Applicant(s) Drost et al.
Examiner Michael Colaianni	Art Unit 1731



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Jul 31, 2001
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 7

4) Interview Summary (PTO-413) Paper No(s).

5) Notice of Informal Patent Application (PTO-152)

6) Other:

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Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, uses the language “bigger” and “smaller” which is deemed to be relative terminology and indefinite.

Claim 1 also uses the language “in a way similar to that one in the first step” which is deemed to be indefinite because it is not clear what “similar” is meant to encompass. Is the process exactly the same or merely a variation on step one? How much of a variation?

Claim 2 refers to an additional deformation step which is preformed “in a way as described in the sixth step” which is indefinite because is not clear what “in a way” is meant to encompass.

Claim 3, refers to steps 1-5 being “multi-copied” “as long until the particles’ size profile shows the specified broad distribution.” This language is indefinite because it is not clear when such a profile would be attained because no “specified broad distribution” is “specified.”

Claim 4 refers to the particles being redeformed into their “original” shapes in a “limited specific way.” This is deemed to be indefinite. First, it is not clear what the “original” shape of

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the particles was, so it is not clear what the particles are being redeformed into. Secondly, it is not clear what the “limited specific way” encompasses. No “limited specific way” is delineated.

Claim 5 refers to ions which are embedded, but it is not clear if these are the metal ions that are referred to in steps 1 and 4 or if steps 1 ions are different from step 4's ions.

Claim 7 refers to “the reduction process” but should also indicate that the reduction process is in step 2 of the process.

Claim 10 refers to the glass being stretched, but it is not clear if this stretching is meant to be the step 6, deforming step or a separate step.

Claim 11 refers to in “such continuous deforming process” which lacks antecedent basis.

Claim 11 also refers to “after drawing” which lacks antecedent basis.

Claim 12 refers to the “specific deformation” which is of confusing antecedent basis with the “deforming” in step 6 of claim 1. Is the “specific deformation” the deformation that is occurring in step 6?

Claim 13 refers to “such energy input” which lacks antecedent basis.

Claim 14, refers to “the glass surface” being masked which lacks antecedent basis.

Claim 15, refers to “such local energy input” and “such masking and etching” which lack antecedent basis.

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Allowable Subject Matter

3. Claims 1-15 will be allowed upon correction of the 112, 2nd Paragraph matters.
4. The following is a statement of reasons for the indication of allowable subject matter: none of the prior art examined taught or fairly suggested the combination of steps as claimed in claim 1. The closest piece of prior art, US Patent 3,637,453 which teaches multiple crystallization and tempering steps but fails to teach or fairly suggest the claimed combination of steps in applicant's claim 1.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Colaianni whose telephone number is 703-305-5493. The examiner can normally be reached on Monday to Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin, can be reached on (703) 308-1164. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



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January 25, 2003

**MICHAEL COLAIANNI
PRIMARY EXAMINER**